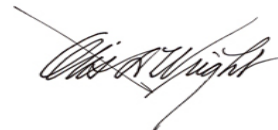


1 Accordingly, the Court finds that the commencement date for the purposes of
2 AEDPA's one-year statute of limitations was the date on which the underlying
3 judgment became final, April 15, 2009. *See* 28 U.S.C. § 2244(d)(1)(A). Based
4 on that commencement date, Petitioner is not entitled to tolling under Section
5 2244(d)(2). *See Ferguson v. Palmateer*, 321 F.3d 820, 823 (9th Cir. 2003)
6 ("[S]ection 2244(d) does not permit the reinitiation of the limitations period that
7 has ended before the state petition was filed."); *see also Jiminez v. Rice*, 276
8 F.3d 478, 482 (9th Cir. 2001) (the petitioner was not entitled to statutory tolling
9 for state habeas petition filed "well after the AEDPA statute of limitations
10 ended"). However, even if Petitioner received tolling during the period between
11 the date Petitioner filed his first state habeas petition (September 23, 2014) and
12 the date he filed the instant Petition (February 4, 2016), the Petition would
13 remain untimely by more than four years.

14
15 Accordingly, IT IS ORDERED that: (1) the Petition is DENIED; and (2) Judgment
16 shall be entered dismissing this action with prejudice.

17
18 DATED: June 9, 2016



OTIS D. WRIGHT
UNITED STATES DISTRICT JUDGE